

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 26, 2021**

**Hearing Room 1675**

11:00 AM  
**2:00-00000**

**Chapter**

**#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.**

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Video/audio web address:** <https://cacb.zoomgov.com/j/1618885432>

**ZoomGov meeting number:** 161 888 5432

**Password:** 194184

**Telephone conference lines:** 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#1.00** Hearing re: Motion for Entry of Order Conditionally Dismissing Bankruptcy Case

Docket 782

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By

Ashley M McDow

Michael T Delaney

Fahim Farivar

Shane J Moses

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#2.00** Hearing re: Motion for Entry of Order Approving Settlement with Ghazar Zehnaly

Docket 783

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By

Ashley M McDow

Michael T Delaney

Fahim Farivar

Shane J Moses

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** Cont'd order to show cause why this bankruptcy case should not be converted to chapter 7, dismissed or a chapter 11 trustee appointed and to stay proceedings in contested matters of debtor's objection to claim of Ghazar Zehnaly and second interim fee application of Foley & Lardner, LLP  
fr. 2/10/21, 2/24/21, 4/28/21

Docket 734

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior updated tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Fahim Farivar  
Shane J Moses

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#4.00** Cont'd discovery dispute conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly fr. 2/20/21, 2/24/21, 4/28/21

Docket 343

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 12/16/20. Given the escalating costs of litigation of this bankruptcy case without a reasonable prospect of rehabilitation and the resulting diminution of the remaining assets of the estate, the court is considering staying the proceedings of this contested matter and issuing an order to show cause why this bankruptcy case should not be converted to Chapter 7 or a trustee appointed pursuant to 11 U.S.C. 1112(b)(4)(A). Appearances are required on 12/17/20, but counsel and self-represented

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**CONT...**      **Sarkis Investments Company, LLC**  
parties must appear by telephone.

**Chapter 11**

<b>Party Information</b>
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar



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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/10/21, 2/24/21, 4/28/21

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

<b>Party Information</b>
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

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**2:18-11475 Catherine Trinh**

**Chapter 11**

**#6.00** Cont'd hearing re: Application for payment of: final fees and/or expenses (11 U.S.C. 330) for Philip Kaufler, special counsel, fee: \$12,392.50, expenses: \$1,864.50 fr. 4/28/21

Docket 567

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Revised and tentative ruling as of 4/26/21. Service of the application is deficient because the proof of service does not show that all creditors have been served with 21 days notice of the application as required by FRBP 2002(a)(6) and 9013. The hearing will have to be continued because applicant will have to serve all creditors with notice of the application.

The application is deficient because there is no separately filed declaration from the client indicating that she has reviewed the application and has no objection to it, and applicant's declaration describing the steps that were taken to obtain the client's declaration and response thereto as required by LBR 2016-1(a)(1)(J) and (c)(2) is deficient because it is vague and conclusory as to the details of such steps to contact the client and obtain her declaration.

The hearing will also have to be continued because the court needs additional time to review the reply documents filed on 4/21/21 by applicant consisting of about 800 pages of documents as the court has not received the judge's copy of the reply papers which applicant was required to deliver to chambers as required by LBR 5005-2(d) and Court Manual sections 2.5 and 3.5(b) and Appendix F.

The hearing will also have to be continued because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application and the need to review the documents relating to the tasks that were performed by applicant, including the some 784 pages of

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**CONT... Catherine Trinh**

**Chapter 11**

documents submitted by applicant in his request for judicial notice accompanying his reply to the opposition. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation and preparation of applicant's employment application (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks (i.e., applicant's employment application, preparation of the opposition to the motion of Second Generation for prejudgment interest).

The court will also treat the application as a contested matter under FRBP 9014 in light of opposition of creditor Second Generation, Inc. and set an evidentiary hearing on the application to resolve factual issues of reasonableness of the fees claimed by applicant. Parties to address scheduling of the evidentiary hearing, and whether discovery is needed. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

<b>Party Information</b>
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Movant(s):**

Philip Kaufler

Pro Se

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**2:18-11475 Catherine Trinh**

**Chapter 11**

**#7.00** Cont'd hearing re: Motion for allowance and payment of an administrative expense claim pursuant to 11 U.S.C. §503 fr. 4/28/21

Docket 563

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Revised and updated tentative ruling as of 4/26/21. The court is unable to complete its review of the motion because it requests fees for services for which numerous billing entries to substantiate the fees as actual, necessary expenses benefitting the bankruptcy estate under 11 U.S.C. 503(b)(3)(B) and (D) are redacted and the court is unable to determine whether the fees are actual, necessary expenses benefitting the estate without the redacted information describing the tasks performed by applicant. Applicant will need to submit unredacted billing entries for the court to complete its review of the requested fees, and thus, it appears that the hearing will need to be continued in order for movant to submit unredacted billing entries and for the court to review them. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

<b>Party Information</b>
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

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**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#8.00** Cont'd status conference re: Management of chapter 11 case  
fr. 8/5/20, 12/9/20, 4/21/21

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Revised and updated tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the hearing on this contested matter to 5/26/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the one of only two cases on calendar on 4/21/21 and the court is generally aware of the status of the case, awaiting resolution of the WARN Act class action litigation. No appearances are required on 4/21/21.

Prior tentative ruling as of 4/14/21. No tentative ruling on the merits. Appearances are required on 4/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

<b>Party Information</b>
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith